

(C) RECORDATION OF ABANDONMENT.

ON FILING THE ELECTION TO ABANDON, THE CLERK OF ANY COURT WHERE THE INQUISITION HAS BEEN RECORDED AMONG THE LAND RECORDS IMMEDIATELY SHALL MAKE A NOTATION ON THE RECORDED COPY OF THE THE INQUISITION THAT THE PROCEEDING HAS BEEN ABANDONED.

(D) LIMITATION ON ABANDONMENT.

NO CONDEMNATION PROCEEDING MAY BE ABANDONED:

(1) AFTER TAKING HAS OCCURRED;

(2) MORE THAN 120 DAYS AFTER THE ENTRY OF FINAL JUDGMENT, UNLESS AN APPEAL IS TAKEN; OR

(3) IF AN APPEAL IS TAKEN FROM A FINAL JUDGMENT, MORE THAN 120 DAYS AFTER THE RECEIPT BY THE CLERK OF THE LOWER COURT OF A MANDATE OF THE COURT OF APPEALS EVIDENCING THE DISMISSAL OF THE APPEAL, THE AFFIRMANCE OF THE JUDGMENT, THE ENTRY OF JUDGMENT PURSUANT TO MARYLAND RULE 875, OR THE MODIFICATION OF THE JUDGMENT WITHOUT THE AWARD OF A NEW TRIAL. FOR THE PURPOSES OF THIS SECTION, AN APPEAL STRICKEN OUT PURSUANT TO MARYLAND RULE 813, OR VOLUNTARILY ABANDONED, IS DEEMED NOT TO HAVE BEEN TAKEN. HOWEVER, IF THE APPEAL SO STRICKEN OUT OR VOLUNTARILY ABANDONED WAS TAKEN BY THE DEFENDANT, THE PLAINTIFF MAY ABANDON THE PROCEEDING WITHIN 120 DAYS AFTER THE APPEAL IS ABANDONED OR STRICKEN OUT, PROVIDED TAKING HAS NOT OCCURED.

(E) RECOVERY BY DEFENDANT ON ACCOUNT OF LEGAL, APPRAISAL, AND ENGINEERING FEES.

ON ABANDONMENT OF A CONDEMNATION PROCEEDING, THE DEFENDANT IS ENTITLED TO RECOVER FROM THE PLAINTIFF THE REASONABLE LEGAL, APPRAISAL, AND ENGINEERING FEES ACTUALLY INCURRED BY THE DEFENDANT BECAUSE OF THE CONDEMNATION PROCEEDING. IF THE PARTIES AGREE ON THE PROPER AMOUNT TO BE RECOVERED BY THE DEFENDANT ON ACCOUNT OF THESE FEES, THEY SHALL FILE WITH THE CLERK OF THE COURT A WRITING EVIDENCING THEIR AGREEMENT. IF THE PARTIES CANNOT AGREE ON THE PROPER AMOUNT TO BE RECOVERED BY THE DEFENDANT ON ACCOUNT OF THE FEES, THE COURT, ON MOTION OF EITHER [[PATY]] PARTY, SHALL DETERMINE THE PROPER AMOUNT. THE CLERK SHALL ENTER THE AMOUNT AGREED ON OR DETERMINED BY THE COURT AS A PART OF THE COSTS.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-110 of the Code. Subsection (b) is divided into two subsections for organizational purposes. The only other changes are in style.